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1. INTRODUCTION & BACKGROUND

- 1.1 The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to access to information. The Promotion of Access to information Act 2 of 2000 (“the Act”) and the Protection of Personal Information Act 4 of 2013 (“POPI Act”) give effect to the constitutional right of access to information held by the private sector or public bodies, if the record or personal information is required for the exercise or protection of any rights.
- 1.2 The Act establishes the following statutory rights of requestors to any record of a private body if:
 - 1.2.1 That record is required for the exercise or protection of any of his or her legal rights;
 - 1.2.2 That requestor complies with all the procedural requirements; and
 - 1.2.3 Access is not refused in terms of any ground referred to in the Act.
- 1.3 In terms of the Act private bodies are required to publish a manual to assist requestors who wish to request access to a record.

2. SCOPE & PURPOSE

- 2.1 The purpose of the PAIA Manual is to:
 - 2.1.1 validate the categories of records held by PDPS which are available to a person having to submit a formal PAIA request;
 - 2.1.2 understand the procedure of applying for a record of PDPS by providing description of the subjects which PDPS holds records and the categories of records on each subject;
 - 2.1.3 know the description of the records of PDPS which are available according to any legislation;
 - 2.1.4 access the contact details of the Information Officer and Deputy Information Officers who will assist the public with the records intending to be accessed;
 - 2.1.5 know the purpose of processing personal information and the description of the categories of data subjects and of the information or categories of information with regards thereto;
 - 2.1.6 know the recipients or categories of recipients to whom the personal information will be supplied;

- 2.1.7 know if PDPS has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to who the personal information may be supplied; and
- 2.1.8 know whether PDPS has appropriate security measures to ensure the confidentiality, integrity and availability of personal information which is to be processed.

3. AVAILABILITY OF MANUAL

3.1 A copy of this Manual is available:

- 3.1.1 in Portable Document Format (“PDF”) on the website of PDPS at www.pdps.co.za; and
- 3.1.2 on request from the Deputy Information Officer for Legal Matters as described in paragraph 4.1.2 below.

4. CONTACT DETAILS

4.1 Contact Details of PDPS Information Officer: Sec 51 (1) (a)

4.1.1 The Act prescribes the appointment of an Information Officer for Public Bodies where such Information Officer is responsible to, inter alia, assess requests for access to information. The Head of a Private Body fulfils such a function in terms of section 51. PDPS deemed it necessary to appoint Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the POPI Act. This is in order to render PDPS as accessible as reasonably possible for requestors of its records and to ensure fulfilment of its obligations as prescribed in terms of section 55 of the POPI Act. All requests for information in terms of the Act must be addressed to the Information Officer who may delegate the request to one of the appointed Deputy Information Officers.

4.1.2 The Information Officer is:

Hannes Degenaar

Designation: Director

Email: hannesd@pdps.co.za

Mobile: 083 666 8209

4.1.3 The Deputy Information Officers are:

Deputy Information Officer: HR Matters

Nomvula Zulu - HR/IR Manager

Email: nomvulaz@pdps.co.za

Tel: 017 200 2017

Deputy Information Officer: Legal Matters

Marli Hendricks – Commercial Manager

Email: marlih@pdps.co.za

Tel: 017 200 2017 (Ext. 208)

Deputy Information Officer: Financial Matters
Pierre Lombard – Financial Manager
Email: pierrel@pdps.co.za
Tel: 017 200 2017 (Ext. 204)

Deputy Information Officer: IT Matters
Corrie Meyer – IT Manager
Email: corriem@pdps.co.za
Tel: 017 200 2017 (Ext. 212)

4.2 PDPS Contact Details:

Physical Address: Portion 10, Vlakspruit Farm, Secunda, 2302
Tel: +27 (0) 17 200 2017
E-mail: info@pdps.co.za
Website info: www.pdps.co.za

4.3 Guide of SA Human Rights Commission

4.3.1 The South African Human Rights Commission has compiled the Guide as required in terms of Section 10 of the Act. The Guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the act and accordingly it:

4.3.1.1 contains information on understanding and how to use the Act;

4.3.1.2 includes the objectives of the act; particulars of every Public and Private Body, the manner and form for requests and contents of the Regulations under the Act;

4.3.2 Queries can be directed to The South African Human Rights Commission at:

PAIA Unit (The Research and Documentation Department)

Private Bag X2700,

Houghton,

2041

Tel: (011) 877-3803 / Facsimile Number: (011) 403-0625

E-mail: section 51.paia@sahrc.org.za

Website: <http://www.sahrc.org.za>

5. PDPS GROUP STRUCTURE

5.1 This Manual has been prepared in respect of the PDPS Group of Companies, which includes related entities and / or wholly owned subsidiaries. The scope of this Manual will exclude PDPS's operations outside South Africa and will serve to provide a reference regarding the records held by PDPS at its Registered Office and various operations.

5.2 PDPS is a multi-discipline engineering design, consulting, project management and construction company offering our clients a wide variety of piping, mechanical, civil, process, pipe and structural steel fabrication

and installation services for more than 10 years in the power generation, chemical and petro-chemical industries including tank farms and water treatment plants.

- 5.3 PDPS's purpose is to provide the technology, knowledge, skills and organisational ability critical to South Africa's and Africa's development and growth; and to be an ethical and relevant force for good and to play a positive role in society, beyond normal business practice.

6. PDPS Records

6.1 PDPS record classification key

Classification No.	Access	Classification (PAIA section)
1	May be disclosed	Public Access Document
2	May not be disclosed	Request after commencement of criminal or civil proceedings - section 7.
3	May be disclosed	Subject to copyright
4	Limited disclosure	Personal information of natural persons that belongs to the requestor of that information, or personal information by the requestor of that information - section 61.
5	May not be disclosed	Unreasonable disclosure of personal information or of Natural Person – section 63(1) or Juristic Person (POPI)
6	May not be disclosed	Likely to harm the commercial or financial interests of third party – section 64(a)(b).
7	May not be disclosed	Likely to harm PDPS or third party in contract or other negotiations – section 64(c).
8	May not be disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement - section 65.
9	May not be disclosed	Likely to compromise the safety of individuals or protection of property – section 66.
10	May not be disclosed	Legally privileged information – section 67.
11	May not be refused	Environmental testing/investigation which reveals public safety/environmental risks – section 64(2), section 68(2).
12	May not be disclosed	Commercial information of Private Body – section 68.
13	May not be disclosed	Likely to prejudice research and development information of PDPS or a third party – section 69.
14	May not be refused	Disclosure in public interest.

6.2 PDPS records availability

Note: The Classification Number is indicated in brackets

6.2.1 Health, Safety, Environmental Department & Compliance Department

6.2.1.1 Environmental Policy (1)

6.2.1.2 Environmental Records (11,14)

- 6.2.1.3 Health & Safety Records of Employees, Suppliers, Subcontractors, Service Providers and Customers (4,5,9)
- 6.2.1.4 Company Guidelines, Policies and Procedures (12)
- 6.2.1.5 Complaints & Investigation Records (4,5)

- 6.2.2 Human Resources Division
 - 6.2.2.1 Employee Records (4,5,9)
 - 6.2.2.2 Employee Contracts (4,5)
 - 6.2.2.3 Personnel Guidelines, Policies and Procedures (12)
 - 6.2.2.4 Employee Medical Records (4,5,8)
 - 6.2.2.5 Employee Disability Insurance Records (4,5)
 - 6.2.2.6 Employee Pension and Provident Fund Records (4,5)
 - 6.2.2.7 Payroll Records (4,5)
 - 6.2.2.8 Recruitment Records (4,5)
 - 6.2.2.9 In-and-Ex-patriates' Records
 - 6.2.2.10 Electronic Access & Identity Management Records of Employees, Suppliers, Subcontractors, Service Providers and Customers (4,5)
 - 6.2.2.11 Physical Security Records of Employees, Suppliers, Subcontractors, Service Providers and Customers (4,5)
 - 6.2.2.12 Time & Attendance Records (4,5)

- 6.2.3 Financial Division
 - 6.2.3.1 Audited Financial Statements (12)
 - 6.2.3.2 Tax Records (Company & Employees) (4,12)
 - 6.2.3.3 Asset Register (12)
 - 6.2.3.4 Supplier Records (4,5)
 - 6.2.3.5 Management Accounts (12)
 - 6.2.3.6 Fleet Insurance Records (4,5)

- 6.2.4 Commercial Department
 - 6.2.4.1 General Contract Documentation (6,12)
 - 6.2.4.2 Contracts between PDPS and Suppliers, Subcontractors, Service Providers and Customers (4,5,6,7,12,13)
 - 6.2.4.3 Intellectual Property Records (3)
 - 6.2.4.4 Employee, Suppliers, Subcontractors and Service Providers information (10)
 - 6.2.4.5 Immovable property records (12)

7. RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF SECTION 51(1)(D)

7.1 Records held by PDPS:

The information listed in this clause is classified and grouped according to records relating to the following subjects and categories:

7.1.1 Personnel Records

“Personnel” refers to any person who works for, or provides services to or on behalf of PDPS, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of PDPS. This includes, without limitation directors (executive and non-executive), all permanent, temporary and part-time employees and contract workers.

- 7.1.1.1 Personal records provided by personnel
- 7.1.1.2 Records provided by a third party relating to personnel;
- 7.1.1.3 Conditions of employment and other personnel-related contractual and quasi-legal records;
- 7.1.1.4 Internal evaluation records and other internal records;
- 7.1.1.5 Correspondence relating to personnel;
- 7.1.1.6 Education and Training Records;
- 7.1.1.7 Personnel Benefit Records;
- 7.1.1.8 Employment Equity Records;
- 7.1.1.9 Personnel’s CV, educational information and tertiary qualifications;
- 7.1.1.11 Policies and Procedures;
- 7.1.1.13 Leave Records;
- 7.1.1.14 Medical Records;
- 7.1.1.15 Pension and Retirement Funding Records;
- 7.1.1.16 Study assistance scheme/s;
- 7.1.1.17 Tax Returns of Personnel;
- 7.1.1.18 UIF Returns;

7.1.2 Customer and Other Party Related Records

“Customer” refers to any natural or juristic entity that receives services from PDPS and “Other Party” refers to any other natural or juristic entity to which PDPS received access.

- 7.1.2.2 Records provided by a customer to a third party acting for or on behalf of PDPS;
- 7.1.2.3 Records provided by a third party;
- 7.1.2.4 Records generated by PDPS relating to its customers including transactional records;
- 7.1.2.5 Personnel, customer or private body records which are held by another party, as opposed to the records held by PDPS itself;
- 7.1.2.6 Records held by PDPS pertaining to other Parties, including, without limitation, financial records, correspondence contractual records, records provided by the other party and records Third Parties have provided about contractors or suppliers;
- 7.1.2.7 PDPS may possess records applicable to other Parties, including, without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies and service providers. Alternatively, such other Parties may possess records that can be said belong to PDPS.

7.1.3 Finance and Taxation

- 7.1.3.1 Policies and Procedures
- 7.1.3.2 Accounting Records
- 7.1.3.3 Annual Financial Statements
- 7.1.3.4 Audit Reports
- 7.1.3.5 Capital Expenditure Records
- 7.1.3.6 Investment Records
- 7.1.3.7 Invoices and Statements
- 7.1.3.8 Management Accounts
- 7.1.3.9 Management Reports
- 7.1.3.10 Purchasing Records
- 7.1.3.11 Sale and Supply Records
- 7.1.3.12 Tax Records and Returns
- 7.1.3.13 Treasury Dealing
- 7.1.3.14 Transactional Records
- 7.1.3.15 Personnel information
- 7.1.3.16 Personnel salary /pay-slips

7.1.4 Information Technology

- 7.1.4.1 Agreements;
- 7.1.4.2 Disaster Recovery;
- 7.1.4.3 Hardware and Software Packages;
- 7.1.4.4 Policies and Procedures;
- 7.1.4.5 Internal Systems Support and Programming;
- 7.1.4.6 Licenses;
- 7.1.4.7 Operating Systems;
- 7.1.4.8 Databases.

7.1.5 Corporate Secretariat and Governance

- 7.1.5.1 Applicable Statutory Documents;
- 7.1.5.2 Annual Reports;
- 7.1.5.3 Board of Directors and Board Committee Terms of Reference;
- 7.1.5.4 Codes of Conduct;
- 7.1.5.5 Executive Committee Meeting Minutes;
- 7.1.5.6 Legal Compliance Records;
- 7.1.5.7 Memoranda of Incorporation;
- 7.1.5.8 Minutes of Board of Directors and Board Committee Meetings;
- 7.1.5.9 Minutes of Shareholders' and Sub-committee Meetings;
- 7.1.5.10 Group Policies, Procedures and Instructions;
- 7.1.5.11 Share Certificates;

- 7.1.5.12 Shareholder Agreements;
- 7.1.5.13 Share Registers (PDPS's official share register is however maintained by its transfer secretary);
- 7.1.5.14 Strategic plans;
- 7.1.5.15 Statutory Returns to Relevant Authorities;
- 7.1.5.16 Operational records.

7.1.6 Corporate Affairs and Investor Relations / Communications

- 7.1.6.1 Media Releases;
- 7.1.6.2 Newsletters and Publications;
- 7.1.6.3 Corporate Social Investment;
- 7.1.6.4 Public Corporate Records;
- 7.1.6.5 SENS Releases.

6.1.7 Intellectual Property

- 6.1.7.1 Trademark applications;
- 6.1.7.2 Agreements relating to intellectual property;
- 6.1.7.3 Copyrights.

7.1.8 Legal

- 7.1.8.1 Complaints, pleadings, briefs and other documents pertaining to any actual or pending litigation, arbitration or investigation;
- 7.1.8.2 Material licenses, permits and authorizations;
- 7.1.8.3 Internal policies and procedures;
- 7.1.8.4 Internal correspondence.

7.1.9 Sales, Marketing and Communication

- 7.1.9.1 Brochures, Newsletters and Advertising Material;
- 7.1.9.2 Client Information;
- 7.1.9.3 Marketing Brochures;
- 7.1.9.4 Marketing Strategies;
- 7.1.9.5 Product Brochures;
- 7.1.9.6 Policies and Procedures.

7.2 The accessibility of the records may be subject to the grounds of refusal set out in this Manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements before PDPS will consider access.

8. RECORDS AUTOMATICALLY AVAILABLE

8.1 No notice has been submitted to the Minister of Justice and Constitution Development regarding the categories of records which are available without a person having to request access in terms of section 52 (2) of the Act. However, the information on the website of the business is automatically available without having to request access in terms of the Act. The following records are automatically available at the registered office of PDPS on payment of the prescribed fee for reproduction:

8.1.1 Documentation and information relating to PDPS which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in section 25 of the Companies Act 71 of 2008;

8.1.2 Company Profile;

8.1.3 News and other Marketing Information;

8.1.4 The annual integrated report and any other shareholder communications as published on PDPS's website;

8.1.5 Professional certifications (e.g., ISO 9001 etc.).

8.2 Other non-confidential records may also be assessed without the need to submit a formal application but an appointment to view such records will still have to be made with the Information Officer

9. RECORDS AVAILALE IN TERMS OF ANY OTHER LEGISLATION

9.1 Records are kept in accordance with other legislation as applicable to PDPS, which is include but not limited to those listed below. Unless disclosure is prohibited, records that is requested to be made available in terms of these acts shall be made available for inspection in terms of the requirements of Act, the listed legislation and applicable internal policies and procedures should such party be entitled to such information. A request to access must be submitted in accordance with the Act:

9.1.1 Auditing Professions Act 26 of 2005

9.1.2 Banks Act 94 of 1990

9.1.3 Basic Conditions of Employment Act 75 of 1997

9.1.4 Broad-Based Black Economic Empowerment Act 53 of 2003

9.1.5 Civil Proceedings Evidence Act, 1965 (Act 25 of 1965)

9.1.6 Companies Act 71 of 2008

9.1.7 Compensation for Occupational Injuries and Diseases Act 130 of 1993

9.1.8 Competition Act 89 of 1998

9.1.9 Constitution of South Africa Act 108 of 1996

9.1.10 Copyright Act 98 of 1987

9.1.11 Consumer Protection Act 68 of 2008

9.1.12 Criminal Procedure Act 51 of 1977

9.1.13 Customs and Excise Act, 1964

9.1.14 Deeds Registries Act 57 of 1937

9.1.15 Debt Collectors Act 114 of 1998

- 9.1.16 Designs Act 195 of 1993
- 9.1.17 Electronic Communications and Transactions Act 25 of 2002
- 9.1.18 Employment Equity Act 55 of 1998
- 9.1.19 Finance Act 2 of 2007
- 9.1.20 Firearms Control Act 60 of 2000;
- 9.1.21 Income Tax Act 58 of 1962
- 9.1.22 Insider Trading Act 135 of 1998
- 9.1.23 Insolvency Act 24 of 1936
- 9.1.24 Labour Relations Act 66 of 1995
- 9.1.25 Long Term Insurance Act 52 of 1998
- 9.1.26 Magistrates Court Act 32 of 1944
- 9.1.27 Non-Profit Organisations Act 71 of 1997
- 9.1.28 Occupational Health and Safety Act 85 of 1993
- 9.1.30 Patents Act 57 of 1987
- 9.1.31 Pension Funds Act 24 of 1956
- 9.1.32 Prevention of Organised Crime Act 14 of 1998
- 9.1.33 Protection of Information Act, No. 84 of 1982
- 9.1.34 Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002
- 9.1.35 Securities Services Act 36 of 2004
- 9.1.36 Short Term Insurance Act. 53 of 1998
- 9.1.37 Skills Development Act 97 of 1998
- 9.1.38 Skills Development Levies Act 97 of 1999
- 9.1.39 South African Revenue Service Act 34 of 1997
- 9.1.40 Statistics Act 6 of 1999
- 9.1.41 Tax on Retirement Funds Act No 38 of 1996
- 9.1.42 Trust Property Control Act 57 of 1988
- 9.1.43 Unemployment Insurance Act 63 of 2001
- 9.1.45 Value Added Tax Act 89 of 1991

9.2 Although PDPS has used its best endeavours to supply you with a list of applicable legislation it is possible that the above list may be incomplete. Wherever it comes to PDPS's attention that existing or new legislation allows a requestor access on a basis other than that set out in the Act, we shall update the list accordingly.

10. PROCESSING OF PERSONAL INFORMATION IN TERMS OF THE POPI ACT

10.1 PDPS processes personal information of data subjects for the purposes of: Sec 51 (1)(c)(i)

- 10.1.1 Fulfilling its statutory obligations in terms of applicable legislation;
- 10.1.2 Verifying information provided to PDPS;
- 10.1.3 Obtaining information necessary to provide contractually agreed services to a customer;
- 10.1.4 Monitoring, maintaining and managing PDPS's contractual obligations to customers, clients, suppliers, service providers, employees, directors and other third parties;

- 10.1.5 Marketing and advertising;
 - 10.1.6 Resolving and tracking complaints;
 - 10.1.7 Monitoring and securing the assets, employees and visitors to the premises of PDPS;
 - 10.1.8 Historical record keeping, research and recording statistics necessary for fulfilling PDPS's business objectives.
- 10.2 PDPS may process the personal information of the following categories of data subjects, which includes current, past and prospective data subjects: Sec 51 (1)(c)(ii)
- 10.2.1 Customer and employees, representatives, agents, contractors and service providers of such customers;
 - 10.2.2 Suppliers, service providers to and vendors of PDPS and employees, representatives, agents, contractors and service providers of such suppliers and service providers;
 - 10.2.3 Directors and officers of PDPS;
 - 10.2.4 Shareholders;
 - 10.2.5 Job applicants;
 - 10.2.6 Existing and former employees (including contractors, agents, temporary and casual employees);
 - 10.2.7 Visitors to any premises of PDPS; and
 - 10.2.8 Complaints, correspondents and enquiries.
- 10.3 The nature of personal information processed in respect of the above data subjects may include, as may be applicable: Sec 51 (1)(c)(ii)
- 10.3.1 Name, Surname, identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 10.3.2 Biometric information;
 - 10.3.3 Information relating to the education or the medical, financial, criminal or employment history of the data subject;
 - 10.3.4 Information relating to the race, gender, marital status, national origin, age disability, language and birth of the data subject;
 - 10.3.5 The personal opinions, views or preferences of the data subject;
 - 10.3.6 Confidential correspondence sent by the data subject;
 - 10.3.6 The views of opinions of another individual about the data subject.
- 10.4 PDPS may supply personal information to the following recipients: Sec 51 (1)(c)(iii)
- 10.4.1 Regulatory, statutory and government bodies;
 - 10.4.2 Suppliers, service providers, vendors, agents and representatives of PDPS;
 - 10.4.3 Employees of PDPS;
 - 10.4.4 Shareholders and other stakeholders;
 - 10.4.5 Third party verification agencies and credit bureau;
 - 10.4.6 Collection agencies;
 - 10.4.7 Banks and other financial institutions.

- 10.5 Personal information of data subjects may be transferred across borders due to the hosting of some PDPS infrastructure and application in foreign jurisdictions. Current employees and consultants' information may also be transferred trans-border where PDPS has a physical presence or may be providing services or performing in terms of its contractual obligations.
- 10.6 Security measures implemented or to be implemented by PDPS to ensure the confidentiality, integrity and availability for the personal information which may be or is being processed by PDPS: Sec 51 (1)(c)(v)
- 10.7 PDPS continuously establishes and maintains appropriate, reasonable technical and organisational measures to ensure that the integrity of the personal information in its possession or under its control is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements set forth in law, in industry practice and generally accepted information security practices and procedures which apply to PDPS.

11. RIGHT OF ACCESS TO INFORMATION

11.1 The Act provides that a requestor is only entitled to access to a record if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requestor has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered. A requestor may act in different capacities in making a request for a record. This will influence the amount to be charged when a request has been lodged.

11.2 Requestors may make a request as:

- 11.2.1 A personal requestor who requests a record about him/herself;
- 11.2.2 An agent requestor who requests a record on behalf of someone else with that person's consent and where it is required for the protection of that person's legal right;
- 11.2.3 A third-party requestor who requests a record about someone else with that person's consent and where it is required for the protection of that person's legal right; and
- 11.2.4 A public body who may request a record if:
 - 11.2.4.1 It fulfils the requirements of procedural compliance;
 - 11.2.4.2 The record is required for the exercise or protection of a right; and
 - 11.2.4.3 No grounds for refusal exist.

12. ACCESS PROCEDURE AND REQUESTS

12.1 General

The purpose of this section is to provide requestors with sufficient guidelines and procedures to facilitate a request for access to a record held by PDPS. It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record. An application for access to a record is

subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act. If it is reasonably suspected that the requestor has obtained access to the PDPS Group's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requestor.

12.2 Guidance on Completion of Prescribed Access Form: Sec 51 (1) (b)(iv)

In order for PDPS to facilitate your access to a record you need to complete the attached prescribed access form, attached as MS-R-530. Please take note that the prescribed access form must be completed in full, failure to do so will result in the process being delayed until such additional information is provided. PDPS will not be held liable for delays due to receipt of incomplete forms. Due cognisance should be taken of the following instructions when completing the Access Request Form because the Information Officer shall not process any request for access to a record until satisfied that all requirements have been met:

- 12.2.1 The Access Request Form must be completed in the English language.
- 12.2.2 Proof of identity is required to authenticate the requestors identify. If the requestor acts as an agent requestor, the requestor shall provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the requestor by such person and proof of the identity of the requestor as provided above.
- 12.2.3 Type or print in BLOCK LETTERS an answer to every question.
- 12.2.4 If a question does not apply, state "N/A" in response to that question.
- 12.2.5 If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
- 12.2.6 If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional attached folio.
- 12.2.7 When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

12.3 Submission of Prescribed Access Form

The completed Access Request Form (MS-R-530) must be submitted either via conventional mail, e-mail or fax and must be addressed to the Information Officer.

12.4 Payment of Prescribed Fees

Payment details can be obtained from the Information Officer and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied. Four types of fees are provided for in terms of the Act:

- 12.4.1 Request fee: An initial, non-refundable R57.00 (incl. VAT) is payable on submission. This fee is not applicable to Personal Requestors, referring to any person seeking access to records that contain their personal information.
- 12.4.2 Reproduction fee: This fee is payable with respect to all records that are automatically available.

- 12.4.3 Access fee: If the request for access is successful an access fee may be required to re-imburse PDPS for the costs involved in the search, reproduction and/or preparation of the record and will be calculated based on the Prescribed Fees.
- 12.4.4 Deposit: A deposit of one third (1/3) of the amount of the applicable access fee, is payable if PDPS receives a request for access to information held on a person other than the requestor himself/herself and the preparation for the record will take more than six (6) hours. In the event that access is refused to the requested record, the full deposit will be refunded to the requestor.

12.5 Notification

- 12.5.1 PDPS will within thirty (30) days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The thirty (30) day period within which PDPS has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days, if the request is for a large volume of information, or the request requires a search for information held at another office of PDPS and the information cannot be reasonably be obtained within the original thirty (30) day period. PDPS will notify the requestor in writer should an extension be sought.
- 12.5.2 If the request for access to a record is successful the requestor will be notified of the following:
- 12.5.2.1 The amount of the access fee payable upon gaining access to the record;
 - 12.5.2.2 An indication of the form in which the access will be granted; and
 - 12.5.2.3 Notice that the requestor may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.
 - 12.5.2.4 If the request for access to a record is not successful the requestor will be notified of the following:
 - i. Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal);
 - ii. and that the requestor may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

12.6 Records that cannot be found or do not exist

If PDPS has searched for a record and it is believed that the record either does not exist or cannot be found, the requestor will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

13. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS AND APPEAL

13.1 Grounds for Refusal Chapter 4

13.1.1 The thirty (30) day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requestor has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer.

13.1.2 Requests may be refused on the following grounds, as set out in the Act:

13.1.2.1 Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person;

13.1.2.2 Mandatory protection of commercial information of a third party or PDPS, if the record contains:

- i. Trade secrets of the third party or PDPS
- ii. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or PDPS; and
- iii. Information disclosed in confidence by a third party to PDPS if the disclosure could put that third party to a disadvantage or commercial competition.

13.1.2.3 Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement;

13.1.2.4 Mandatory protection of the safety of individuals, and the protection of property;

13.1.2.5 Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and

13.1.2.6 Mandatory protection of research information of a third party and of PDPS.

13.2 Appeal

If a requestor is aggrieved by the refusal of the Information Officer to grant a request for a record, the requestor may, within thirty (30) days of notification of the Information Officer's decision, apply to court for appropriate relief.

14. PRESCRIBED FEES: SEC 92

14.1 Reproduction Fees

No.	Category	Rand
14.1.1	For every photocopy of an A-4 size page or part thereof	R 1.10
14.1.2	For every printed copy of an A-4 size page of part thereof held on a computer or in electronic form	R0.75
14.1.3	For a copy in a computer readable form: compact disc	R 70.00
14.1.4	A transcription of visual images, for an A4 size or part thereof:	R 40.00
14.1.5	For a copy of visual images	R 60.00
14.1.6	A transcription of an audio record, for an A4-size page or part thereof	R 20.00
14.1.7	For a copy of an audio record	R 30.00

14.2 Request Fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than a requestor.

14.3 Access Fee

The applicable fees (excluding VAT) which will be payable are:

No	Category	Rand
14.3.1	For every photocopy of an A4-size page or part thereof	R 1.10
14.3.2	For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	R 0.75
14.3.3	For a copy in a computer readable form: a. Compact disc	R 75.00
14.3.4	A transcription of visual images, for an A4-size page or part thereof	R 40.00
14.3.5	For a copy of visual images	R 60.00
14.3.6	A transcription of an audio record, for an A4-size page or part thereof	R 20.00
14.3.7	For a copy of an audio record	R 30.00

14.4 Postage Fee

Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees by the requestor before the information requested is posted to the requestor. Proof of payment to be supplied in writing to the Information Officer of PDPS first.